

1 Remarks

2 Amendments to Claims

3 Claims 2-3, 14 and 17 have been cancelled without prejudice as indicated  
4 above. Claims 1, 10, 13, 15 and 19 have been respectively amended as indicated  
5 above. In particular, claims 1, 10, 13, 15 and 19 have been respectively amended  
6 so as to clarify respective limitations recited therein. Claim 21 has been amended as  
7 indicated above so as to correct a minor typographical error. Specifically, claim 21,  
8 as originally filed, failed to recite dependence from a particular claim. Claim 21, as  
9 amended, now depends from claim 19 (as amended). Support for the respective  
10 amendments to claims 1, 10, 13, 15, 19 and 23 can be found at least on page 2, line  
11 23 to page 18, line 13 of the Specification as originally filed. No new matter has  
12 been added by way of the amendments to the claims.

13  
14 Response to Final Office Action dated April 27, 2005

15 Claim Objections

16 Claim 21 stands objected to for failing to recite dependency from a particular  
17 claim. Claim 21 has been amended as indicated above in order to address this  
18 objection. The Applicant asserts that claim 21, as amended, is in proper form and is  
19 allowable.

20  
21 Rejection of Claims under 35 U.S.C. § 102

22 Claims 10-12, 14-16 and 18 have been rejected under 35 U.S.C. § 102(e) as  
23 being anticipated by U.S. Patent No. 6,347,398 ("Parthasarathy"). As claim 14 has  
24 been cancelled as indicated above, the rejection of claim 14 is now moot.

25 The Applicant respectfully disagrees that claims 10-12, 15-16 and 18, as  
respectively amended, are anticipated by Parthasarathy.

1 As a starting point, the PTO and the Federal Circuit provide that §102  
2 anticipation requires each and every element of the claimed invention to be  
3 disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d  
4 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited  
5 §102 reference of any claimed element negates the anticipation. (*Kloster*  
6 *Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.  
7 1986)). Furthermore, **“[a]nticipation requires that all of the elements and**  
8 **limitations of the claims are found within a single prior art reference.”** (*Scripps*  
9 *Clinic and Research Found. v Genetech. Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d  
10 1001, 1010 (Fed. Cir. 1991 (emphasis added))). Moreover, the PTO and the Federal  
11 Circuit provide that §102 anticipation requires that there must be **no difference**  
12 between the claimed invention and the reference disclosure. (*Scripps Clinic and*  
13 *Research Found. v. Genetech, Inc.*, id. (emphasis added)).

14 Accordingly, if the Applicant can demonstrate that any one element or  
15 limitation in claims 10-12, 15-16 and 18, as respectively amended, is not disclosed  
16 by Parthasarathy, then the respective claim(s) must be allowed.

17 In the following arguments, the Applicant will focus in particular on  
18 independent claim 10, as amended, as the Applicant believes that claim to be  
19 allowable over Parthasarathy. Claims 11-12, 15-16 and 18, as respectively  
20 amended, depend (directly or indirectly) from claim 10, as amended. Because it is  
21 axiomatic that any dependent claim which depends from an allowable base claim is  
22 also allowable, the Applicant does not believe it is necessary to present arguments in  
23 favor of each and every dependent claim.

#### 24 25 Claim 10

The Applicant contends that claim 10, as amended (and rejected claims  
11-12, 15-16 and 18, as respectively amended, which depend therefrom) are not

1 anticipated by Parthasarathy. With respect to claim 10, as amended, that claim  
2 includes the following recitations:

3  
4 An apparatus for providing software to a user for use by a  
5 particular user device, comprising:

6 a user interface configured to allow a user to:

7 select a particular manufacturer from a displayed plurality  
8 of different manufacturers and to generate a first user input  
9 signal in response thereto; and

10 select the particular user device from a displayed plurality  
11 of different user devices corresponding to the particular  
12 manufacturer and to generate a second user input signal in  
13 response thereto;

14 [...]

15 a computer readable medium writing device, wherein the  
16 computer readable medium writing device is configured to:

17 record computer readable data to a particular type of  
18 computer readable medium;

19 receive a plurality of the particular type of computer  
20 readable medium capable of having computer readable data  
21 recorded thereon; and

22 automatically record computer readable data to one of  
23 the plurality of the particular type of computer readable medium;  
24 and

25 a processor configured to receive the second user input signal,  
to use the second user input signal to retrieve software specific to the  
particular user device, and to store the software on one of the plurality

1 of computer readable medium using the computer readable medium  
2 writing device.

3 (Emphasis added.)

4  
5 Parthasarathy fails to provide a user interface configured to allow a user to  
6 select a particular manufacturer from a *displayed plurality of different manufacturers*,  
7 as recited in combination with the other features and limitations of claim 10, as  
8 amended. Also, Parthasarathy fails to provide a user interface configured to allow a  
9 user to select the particular user device from a *displayed plurality of different user*  
10 *devices corresponding to the particular manufacturer*, as recited in combination with  
11 the other features and limitations of claim 10, as amended.

12 Rather, Parthasarathy is directed to a method and system for automatically  
13 locating and downloading a software component, wherein various characteristics of  
14 HTML <OBJECT> tags are used to determine the URL (i.e., web address) of the  
15 required software component (Abstract of Parthasarathy). Nowhere does  
16 Parthasarathy provide for allowing a user to select from a *displayed plurality of*  
17 *different manufacturers*, and then allow the user to select from a *displayed plurality*  
18 *of different user devices corresponding to [that] particular manufacturer*, in any way  
19 or for any purpose. Thus, Parthasarathy fails to provide at least the foregoing  
20 limitations as positively recited by claim 10, as amended. As a result, the § 102  
21 rejection of claim 10, as amended, is invalid and must be withdrawn.

22 For at least the foregoing reasons, the Applicant asserts that claim 10, as  
23 amended, is not anticipated by Parthasarathy and is allowable. It is axiomatic that  
24 claims 11-12, 15-16 and 18 (as respectively amended) are also allowable at least by  
25 virtue of their dependence (directly or indirectly) from allowable claim 10, as  
amended, as well as for their own respectively patentable features and limitations.

1 Rejection of Claims under 35 U.S.C. § 103

2 Claims 1-7, 9-22, 24 and 25 have been rejected under 35 U.S.C. § 103(a) as  
3 being unpatentable over U.S. Patent No. 6,347,398 ("Parthasarathy") in view of U.S.  
4 Patent No. 6,611,812 ("Hurtado"). Claims 13 and 17 have been rejected under 35  
5 U.S.C. § 103(a) as being unpatentable over Parthasarathy. Claims 2-3, 14 and 17  
6 have been cancelled as indicated above. Therefore, the respective rejections of  
7 claims 2-3, 14 and 17 are now moot.

8 The Applicant respectfully disagrees that claims 1, 4-7, 9-13, 15-16, 18-22  
9 and 24-25, as respectively amended, are obvious as rejected above.

10 As a starting point, MPEP 706.02(j) states:

11 "[t]o establish a *prima facie* case of obviousness, three basic  
12 criteria must be met. First, there must be some suggestion or  
13 motivation, either in the cited references themselves or in the  
14 knowledge generally available to one of ordinary skill in the art, to  
15 modify the reference or to combine the reference teachings. Second,  
16 there must be a reasonable expectation of success. **Finally, the prior**  
17 **art reference** (or references when combined) **must teach or suggest**  
18 **all the claim limitations.** The teaching or suggestion to make the  
19 claimed combination and the reasonable expectation of success must  
20 both be found in the prior art and not based on applicant's disclosure."

21 (Emphasis added.)

22  
23 With respect to claims 4-7, 9 and 24, those claims depend (directly to  
24 indirectly) from claim 1, as amended. In regard to claims 11-13, 15-16 and 18, as  
25 respectively amended, those claims depend (directly or indirectly) from claim 10, as  
amended. Regarding claims 20-22 and 25, as respectively amended, those claims  
depend (directly or indirectly) from claim 19, as amended. It is axiomatic that any

claim depending from an allowable claim is also allowable. Therefore, the Applicant provides the following arguments in favor of the allowability of independent claims 1, 10 and 19, as respectively amended, as the Applicant does not believe it necessary to provide arguments in favor of each and every dependent claim.

#### Claim 1

The Applicant contends that claim 1, as amended (and rejected claims 4-7, 9 and 24, which depend therefrom) are not rendered obvious by Parthasarathy in view of Hurtado. With respect to claim 1, as amended, that claim includes the following recitations:

A method of providing software to a user for subsequent use by a particular user device, comprising:

providing a user interface configured to allow the user to identify the particular user device, wherein the particular user device is one of a plurality of different user devices respectively corresponding to a plurality of different manufacturers, and wherein the user interface comprises a display device;

locating the user interface in a retail sales location where the particular user device is offered for sale to the user;

displaying a plurality of different manufacturers via the display device;

identifying a particular manufacturer from the displayed plurality of different manufacturers via the user interface;

displaying a plurality of different user devices corresponding to the particular manufacturer via the display device;

1                   identifying the particular user device from the displayed plurality  
2                   of different user devices via the user interface;  
3                   accessing software specific to the particular user device;  
4                   storing the software on a computer readable medium; and  
5                   making the computer readable medium available to the user.  
6                   (Emphasis added.)

7  
8                   Parthasarathy fails to teach or suggest displaying a plurality of different  
9                   manufacturers via the display device and identifying a particular manufacturer from  
10                   the displayed plurality of different manufacturers via the user interface, as recited in  
11                   combination with the other features and limitations of claim 1, as amended. Also,  
12                   Parthasarathy fails to teach or suggest displaying a plurality of different user devices  
13                   corresponding to the particular manufacturer via the display device and identifying  
14                   the particular user device from the displayed plurality of different user devices via the  
15                   user interface, as recited in combination with the other features and limitations of  
16                   claim 1, as amended.

17                   Rather, Parthasarathy is directed to a method and system for automatically  
18                   locating and downloading software components wherein HTML <OBJECT> tags are  
19                   used to determine the URL (i.e., web address) of the required software component  
20                   (Abstract of Parthasarathy). Such automatic locating and downloading are triggered  
21                   when a user, involved in an Internet browsing session, encounters an HTML  
22                   document (i.e., web site) that includes content (e.g., multimedia, interactive tools,  
23                   etc.) that is not presently accessible and/or operable by the user's browser unless a  
24                   corresponding software component (i.e., upgrade or add-on) is installed (Col. 3, lines  
25                   22-45 of Parthasarathy). Thus, the particular teachings of Parthasarathy are  
                    directed to automatically keeping the capabilities of a web browser up to date (Col. 2,  
                    lines 13-15 and 28-34 of Parthasarathy).

1 The Examiner has alleged that Parthasarathy teaches a user interface  
2 allowing a user to *identify* a device (page 3 of Office action). Respectfully, the  
3 Examiner is mistaken. Rather, Col. 7, lines 26-31 and lines 58-61 of Parthasarathy,  
4 as cited by the Examiner, recite the provision of a window 50 which comprises a  
5 document display area 52 and user interface controls 54. Such broad and general  
6 language as cited by the Examiner does not teach or suggest a user's identification  
7 (i.e., selection) of anything. Furthermore, Parthasarathy is completely silent with  
8 respect to displaying a plurality of anything from which a user makes any sort of  
9 identification (i.e., selection).

10 In any case, Parthasarathy fails to provide any teachings, suggestions or  
11 motivations directed to identifying a particular manufacturer from a displayed  
12 plurality of different manufacturers, and then identifying a particular user  
13 device from a displayed plurality of different user devices corresponding to the  
14 particular (i.e., identified) manufacturer, as recited, in slightly varying language, by  
15 claim 1, as amended. In fact, Parthasarathy is completely silent with respect to  
16 displaying a plurality (i.e., listing, or menu) of any kind from which the user makes  
17 any sort of identification or selection.

18 Hurtado fails to cure the deficiencies of Parthasarathy. Specifically, Hurtado  
19 fails to teach or suggest displaying a plurality of different manufacturers via the  
20 display device and identifying a particular manufacturer from the displayed plurality  
21 of different manufacturers via the user interface, as recited in combination with the  
22 other features and limitations of claim 1, as amended. Also, Hurtado fails to teach or  
23 suggest displaying a plurality of different user devices corresponding to the particular  
24 manufacturer via the display device and identifying the particular user device from  
25 the displayed plurality of different user devices via the user interface, as recited in  
combination with the other features and limitations of claim 1, as amended.



1           Instead, Hurtado is directed to providing encrypted digital content (e.g., music  
2 files, etc.) from an online source to a playback system of a user (e.g., apparatus  
3 required to utilize the encrypted digital content), wherein encryption key exchange  
4 techniques are used to create a "secure container" (i.e., "hacker"-proof system) by  
5 way of which the encrypted digital content can be decrypted and accessed/used by  
6 the user (Abstract of Hurtado). Thus, Hurtado is directed to controlling the  
7 availability of digital content to an authorized user while preventing copy-ability or  
8 other "pirating".

9           In any event, Hurtado fails to provide any teachings, suggestions or  
10 motivations directed to identifying a particular manufacturer from a displayed  
11 plurality of different manufacturers, and then identifying a particular user  
12 device from a displayed plurality of different user devices corresponding to the  
13 particular manufacturer, as recited, in slightly varying language, by claim 1, as  
14 amended. The Examiner has asserted that Hurtado, at Col. 70, lines 50-53, teaches  
15 "legacy menus of software devices and manufacturers to choose desired software  
16 products" (page 4 of Office action). Respectfully, the Examiner's assertion assumes  
17 too much detail that is not provided as alleged. In fact, Col. 70, lines 50-53 of  
18 Hurtado states nothing more than a "web site" including "a list of content available for  
19 sale via download." Again, such broad language as cited by the Examiner cannot be  
20 reasonably construed as teaching or suggesting the invention as positively and  
21 particularly recited by claim 1, as amended.

22           The Applicant believes that the following Table 1 helps to summarize at least  
23 some of the substantive differences between the limitations of claim 1, as amended,  
24 and the respective teachings of Parthasarathy and Hurtado:  
25

(Continued on next page.)

TABLE 1			
<i>Feature or Limitation</i>	Claim 1, as amended	Parthasarathy	Hurtado
Display a plurality of different manufacturers	YES	No	No
User identification of a particular manufacture from the plurality of manufacturers	YES	No	No
Display a plurality of different user devices corresponding to the identified manufacturer	YES	No	No
User identification of a particular user device from the plurality of user devices	YES	No	No

As seen upon inspection of Table 1 above, both Parthasarathy and Hurtado fail to teach or suggest at least at least four *particular* and *interrelated* limitations as variously recited by claim 1, as amended. It would not be possible to select elements from Parthasarathy, and then to somehow combine those elements with other elements selected from Hurtado, in order to arrive at the invention as recited by claim 1, as amended, as no possible combination of Parthasarathy with Hurtado teaches or suggests all of the necessary elements or limitations. The § 103 rejection of claim 1, as amended, is unsupportable in view of the respective (and mutual) deficiencies of Parthasarathy and Hurtado, and should be withdrawn.

For at least the foregoing reasons, the Applicant asserts that claim 1, as amended, is allowable. As claims 4-7, 9 and 24 depend from claim 1, as amended, it is axiomatic that they too are allowable at least by virtue of their dependence from an allowable base claim, as well as for their own respectively patentable features and limitations.

(Continued on next page.)

1 Claim 10

2 The Applicant contends that claim 10, as amended (and rejected claims  
3 11-13, 15-16 and 18, as respectively amended, which depend therefrom) are not  
4 rendered obvious by Parthasarathy in view of Hurtado. With respect to claim 10, as  
5 amended, that claim includes the following recitations:

6  
7 An apparatus for providing software to a user for use by a  
8 particular user device, comprising:

9 a user interface configured to allow a user to:

10 select a particular manufacturer from a displayed plurality  
11 of different manufacturers and to generate a first user input  
12 signal in response thereto; and

13 select the particular user device from a displayed plurality  
14 of different user devices corresponding to the particular  
15 manufacturer and to generate a second user input signal in  
16 response thereto;

17 [...]

18 a computer readable medium writing device, wherein the  
19 computer readable medium writing device is configured to:

20 record computer readable data to a particular type of  
21 computer readable medium;

22 receive a plurality of the particular type of computer  
23 readable medium capable of having computer readable data  
24 recorded thereon; and

25 automatically record computer readable data to one of  
the plurality of the particular type of computer readable medium;  
and

1 a processor configured to receive the second user input signal,  
2 to use the second user input signal to retrieve software specific to the  
3 particular user device, and to store the software on one of the plurality  
4 of computer readable medium using the computer readable medium  
5 writing device.

6 (Emphasis added.)  
7

8 Parthasarathy fails to teach or suggest a user interface configured to allow a  
9 user to select a particular manufacturer from a displayed plurality of different  
10 manufacturers, as recited in combination with the other features and limitations of  
11 claim 10, as amended. Also, Parthasarathy fails to teach or suggest a user interface  
12 configured to allow a user to select the particular user device from a displayed  
13 plurality of different user devices corresponding to the particular manufacturer, as  
14 recited in combination with the other features and limitations of claim 10, as  
15 amended. Furthermore, Parthasarathy fails to teach or suggest a computer readable  
16 medium writing device configured to receive a plurality of the particular type of  
17 computer readable medium and to automatically record computer readable data to  
18 one of the plurality of the particular type of computer readable medium, as recited in  
19 combination with the other features and limitations of claim 10, as amended.

20 Parthasarathy is concerned with automatically updating a web browser as new  
21 capabilities are required to browse newly encountered HTML document content.  
22 More to the point, Parthasarathy is directed to eliminating user intervention in the  
23 updating process. Thus, the underlying principle or goal of Parthasarathy is directly  
24 opposed to requiring a user to select anything. Parthasarathy definitely fails to teach,  
25 suggest or motivate a user interface by which a user selects a particular  
manufacturer and then selects a particular user device from among different user

1 devices corresponding to the particular manufacturer, as recited, in slightly  
2 varying language, by claim 10, as amended.

3 On another matter, Parthasarathy teaches that software components, once  
4 automatically located and downloaded, can be stored on computer readable media  
5 (Col. 5, lines 14-21 of Parthasarathy). However, Parthasarathy fails to teach, suggest  
6 or motivate a computer readable medium writing device configured to receive a  
7 plurality of particular computer readable medium and to automatically record  
8 computer readable data to one of the plurality of the particular computer readable  
9 media, as recited, in slightly varying language, by claim 10, as amended. This is  
10 because Parthasarathy is not concerned with a (single) apparatus by way of which  
11 recorded computer media is provide to multiple different users, wherein such users  
12 require software associated with respectively different user devices (see page 2, line  
13 23 to page 3, line 8 of the Specification as originally filed). In any event,  
14 Parthasarathy fails to teach, suggest or motivate several limitations as recited by  
15 claim 10, as amended.

16 Hurtado fails to cure the deficiencies of Parthasarathy. Specifically, Hurtado  
17 fails to teach or suggest a user interface configured to allow a user to select a  
18 particular manufacturer from a displayed plurality of different manufacturers, as  
19 recited in combination with the other features and limitations of claim 10, as  
20 amended. Also, Hurtado fails to teach or suggest a user interface configured to allow  
21 a user to select the particular user device from a displayed plurality of different user  
22 devices corresponding to the particular manufacturer, as recited in combination with  
23 the other features and limitations of claim 10, as amended. Further still, Hurtado fails  
24 to teach or suggest a computer readable medium writing device configured to receive  
25 a plurality of the particular type of computer readable medium and to automatically  
record computer readable data to one of the plurality of the particular type of

1 computer readable medium, as recited in combination with the other features and  
2 limitations of claim 10, as amended.

3 Again, Hurtado is concerned with the secure provision of encrypted digital  
4 content to an end user, wherein such use is limited as per the wishes of the digital  
5 content provider (Abstract of Hurtado, et seq.). Hurtado is not concerned with  
6 allowing a user, via an interface, to make particular manufacturer and user device  
7 selections, in that order, as in accordance with the teachings of the present invention.  
8 More specifically, Hurtado does not teach, suggest or motivate a user interface by  
9 which a user selects a particular manufacturer and then selects a particular user  
10 device from among different user devices corresponding to the particular  
11 manufacturer, as recited, in slightly varying language, by claim 10, as amended.

12 Additionally, Hurtado does not teach or suggest a computer readable  
13 medium writing device, configured to receive a plurality of a particular type of  
14 computer readable medium and to automatically record computer readable data to  
15 one of the plurality of the particular type of computer readable medium, as recited in  
16 combination with the other features and limitations of claim 10, as amended. Hurtado  
17 simply does not teach or suggest such specific capabilities within any sort of a  
18 computer readable medium writing device, as recited by claim 10, as amended.

19 The Applicant believes that Table 2 below clearly summarizes at least some of  
20 the difference between the present invention as recited by claim 10 (as amended),  
21 and the respective teachings of Parthasarathy and Hurtado:  
22

23 (Continued on next page.)  
24  
25

TABLE 2			
<i>Feature or Limitation</i>	Claim 10, as amended	Parthasarathy	Hurtado
User selection of a particular manufacturer from a displayed plurality of different manufacturers	YES	No	No
User selection of a particular user device from a displayed plurality of different user devices corresponding to the particular manufacturer	YES	No	No
Computer readable medium writing device configured to receive a plurality of a particular media type	YES	No	No
Automatic recording of data to one of the plurality of particular computer readable media	YES	No	No

As depicted in Table 2 above, both Parthasarathy and Hurtado fail to teach or suggest at least at least the foregoing particular limitations as variously recited by claim 10, as amended. Therefore, there is no way to select elements from Parthasarathy, and then to somehow combine those elements with other elements selected from Hurtado, in order to arrive at the invention as positively and particularly recited by claim 10, as amended, as no possible combination of Parthasarathy and Hurtado teaches or suggest all of the required limitations. In view of these deficiencies, the § 103 rejection of claim 10, as amended, is unsupportable and must be withdrawn.

For at least the foregoing reasons, the Applicant asserts that claim 10, as amended, is allowable. As claims 11-13, 15-16 and 18 (as respectively amended) depend from claim 10, as amended, it is axiomatic that they too are allowable at least by virtue of their dependence from an allowable base claim, as well as for their own respectively patentable features and limitations.

1 Claim 19

2 The Applicant contends that claim 19, as amended (and rejected claims 20-22  
3 and 25, as respectively amended, which depend therefrom) are not rendered  
4 obvious by Parthasarathy in view of Hurtado. With respect to claim 19, as amended,  
5 that claim includes the following recitations:

6  
7 A computer network system for providing software to users of a  
8 plurality of user devices, comprising:

9 a user station comprising a first processor, a user interface in  
10 signal communication with the first processor, a first communication  
11 device in signal communication with the first processor, a first  
12 computer readable memory device in signal communication with the  
13 first processor, and a computer readable medium writing device in  
14 signal communication with the first processor, the computer readable  
15 medium writing device configured to receive a plurality of the computer  
16 readable medium, the user station located in a retail store which offers  
17 the user devices for sale;

18 [...]; and

19 wherein, the first memory device contains a series of computer  
20 executable steps configured to be executed by the first processor to  
21 offer users, via the user interface, a menu of a plurality of different  
22 manufacturers and one or more menus collectively comprising the  
23 plurality of user devices, and, at least partially in response to receiving  
24 a signal from the user interface corresponding to selection of a  
25 particular user device, to cause the first server to connect to the  
software server and to retrieve from the second memory device an  
electronic copy of the software specific to the particular user device,  
and further to cause the computer readable medium writing device to  
record the software on one of the plurality of computer readable  
medium.

(Emphasis added.)



1 Parthasarathy fails to teach or suggest offer[ing] users, via the user interface,  
2 a menu of a plurality of different manufacturers and one or more menus collectively  
3 comprising the plurality of user devices, as recited in combination with the other  
4 features and limitations of claim 19, as amended. Also, Parthasarathy fails to teach  
5 or suggest the computer readable medium writing device configured to receive a  
6 plurality of the computer readable medium, as recited in combination with the other  
7 features and limitations of claim 19, as amended. Furthermore, Parthasarathy fails  
8 to teach or suggest using the computer readable medium writing device to record  
9 [the] software on one of the plurality of computer readable medium, as recited in  
10 combination with the other features and limitations of claim 19, as amended.

11 Again, Parthasarathy teaches directly away from the notion of requiring a user  
12 to make any sort of selection, as Parthasarathy is directed to automatically detecting,  
13 locating and downloading any needed software components for browsing HTML  
14 document content. Thus, Parthasarathy does not teach, suggest or motivate offering  
15 any sort of menu to a user, and Parthasarathy certainly does not teach, suggest or  
16 motivate offering users a menu of a plurality of different manufacturers and one  
17 or more menus collectively comprising the plurality of user devices, from which  
18 respective user selections can be made, as recited by claim 19, as amended.

19 From another perspective, Parthasarathy expresses no teaching or  
20 suggestion whatsoever related to a computer readable medium writing device  
21 configured to receive a plurality of computer readable media, the computer  
22 readable medium writing device used to record software on one of the plurality of  
23 computer readable media, as recited by claim 19, as amended.

24 Hurtado fails to cure the deficiencies of Parthasarathy. In particular, Hurtado  
25 fails to teach or suggest offer[ing] users, via the user interface, a menu of a plurality  
of different manufacturers and one or more menus collectively comprising the  
plurality of user devices, as recited in combination with the other features and

1 limitations of claim 19, as amended. Hurtado further fails to teach or suggest the  
2 computer readable medium writing device configured to receive a plurality of the  
3 computer readable medium, as recited in combination with the other features and  
4 limitations of claim 19, as amended. Further still, Hurtado fails to teach or suggest  
5 using the computer readable medium writing device to record [the] software on one  
6 of the plurality of computer readable medium, as recited in combination with the  
7 other features and limitations of claim 19, as amended.

8 Without further belaboring the point, the Applicant asserts that at least some of  
9 the respective and mutual deficiencies of Parthasarathy and Hurtado, with respect to  
10 claim 19, as amended, are substantially analogous to those identified and  
11 summarized above in regard to claim 10, as amended. In any case, there is no way  
12 to select elements from Parthasarathy, and then to somehow combine those  
13 elements with other elements selected from Hurtado, in order to arrive at the  
14 invention as positively and particularly recited by claim 19, as amended, as no  
15 possible combination of Parthasarathy and Hurtado teaches or suggest all of the  
16 required limitations. In view of these deficiencies, the § 103 rejection of claim 19, as  
17 amended, is unsupportable and must be withdrawn.

18 For at least the foregoing reasons, the Applicant asserts that claim 19, as  
19 amended, is allowable. As claims 20-22 and 25 (as respectively amended) depend  
20 from claim 19, as amended, it is axiomatic that they too are allowable at least by  
21 virtue of their dependence from an allowable base claim, as well as for their own  
22 respectively patentable features and limitations.

#### 23 24 Summary

25 The Applicant believes that this response constitutes a full and complete  
response to the Final Office Action dated April 27, 2005, as well as a complete  
submission to accompany Request for Continued Examination in accordance with

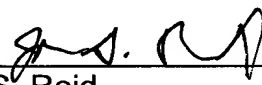
1 37 CFR 1.114. Therefore, the Applicant respectfully requests reexamination on the  
2 merits of claims 1, 4-7, 9, 10-13, 15-16, 18-22 and 24-25, as respectively amended,  
3 in favor of timely allowance.

4 The Examiner is respectfully requested to contact the below-signed  
5 representative if the Examiner believes this will facilitate prosecution toward  
6 allowance of the claims.

7  
8 Respectfully submitted,

9 Leonard T. SCHROATH

10 Date: June 16, 2005

11 By   
12 John S. Reid  
13 Attorney and agent for Applicant(s)  
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